Scott. II-27—40,000—16-10-36.

Home (1938) Department.

M8 SERIES.

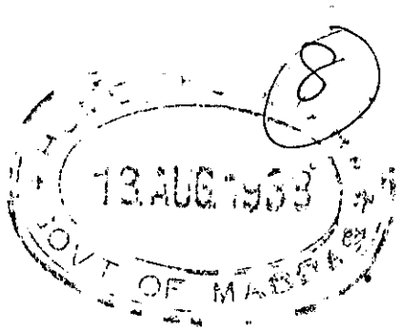
G.O. No. 4772

DATED 1—10 38

[Despatch Abstract.]

B.V.

27075/



Please address
Hon'ble Minister
K.R.R.
10/8

Before the Hon'ble Minister for Courts & Prisons,

Fort St. George, Madras.

Machani Gangappa. ... Appellant.

Sir,

Please enter my appearance on behalf of the appellant in the above matter.

P. Chandra Reddy
Advocate for Appellant.

10/8/1938.

Please see if
Stamp are necessary.
If necessary please
ask the advocate.
K.R.R.
10/8

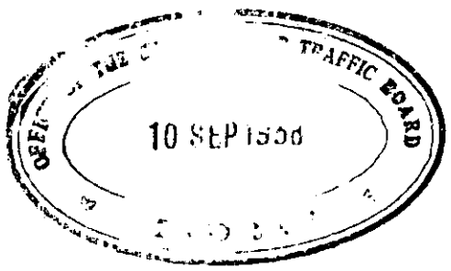
Before the Hon'ble Minister
for Courts & Prisons,
Fort St.George,Madras.

Machani Gangappa. Applt.

Memo of appearance.

Mr. P. Chandra Reddi,

Counsel for Appellant.



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TO

THE HON'BLE THE MINISTER

FOR COURTS AND PRISONS,

FORT ST. GEORGE, MADRAS.

Machani Gangappa. ... Appellant.

Your Appellant abovenamed most humbly begs to appeal against the orders of the Central Traffic Board established under the Madras Motor Vehicle Rules, 1938, under the following among other circumstances:- b17 infra

1)Your Appellant applied to the District Magistrate of Bellary for Permits to run Buses from Bellary to Shimoga and back, in July 1937. This application came up for consideration at the meeting of the Motor Vehicle conference Board, on 5-7-1937, and it passed an order stating that "the Applicant to report if he has obtained the "G" Permit from the Mysore Authorities for the portion of their line in their territory". (Copy of the endorsement marked No. 1 is appended). f 12 infra

OFFICE OF THE CENTRAL ROAD TRAFFIC BOARD
10 SEP 1958
MADRAS

3

2) Upon this endorsement, Your Appellant applied to the District Magistrate of Shimoga for License to run Buses from Shimoga to Bellary. This application was considered by the District Traffic Board of Shimoga, and a resolution was passed to the effect that " a Thorough Service from Shimoga to Bellary will be useful to the public and a permit may be granted to the Frontier from Shimoga via Chilur, Honnalli, and Harihar, provided the Appellant obtains a permit in the Bellary District. Several areca merchants have dealings at Bellary, and the Service also helps visitors to Hampi." (A copy of the said Resolution is herewith submitted and marked No. 2).

p 13 infra

3) This endorsement was forwarded to the Central Traffic Board at Bangalore which is the Authority for granting such permits. Your Appellant also put in his application to the Central Traffic Board in which he explained the importance of the two places, Bellary and Shimoga, in relation to each other, and the proximity of the Route to Udipi, (a place of pilgrimage) and Gerasappa (Jog) Water-falls

REGIONAL ROAD TRAFFIC BOARD
17 SEP 1938

4

on the one side; and the ruins of the great Hindu Empire of Vijianagaram and the temples at Hampi with its annual Jatra (car festival), on the other.

4) The trade between these two places is also heavy, in as much as there is a very big export of hand-woven cloths and grain to Shimoga from Bellary, and areca nut, timber, Sandalwood, and Iron from the Shimoga side. Bellary and Shimoga are also the Headquarters of their respective Districts where the traders mostly reside, and this direct service will be a great boon to them. (Vide exhibit No.2)

p13 infra

5) On this account, there is a big demand from the merchants and general public for a <u>through</u> and <u>unbroken</u> Bus Service which will take them to Shimoga and back conveniently and within a reasonable length of time, thereby enabling them to push their trade in the markets. This Service if permitted, would leave in the morning and reach their destinations, Shimoga and Bellary, by 3 or 4 P.M. the same day. The train Service as at present running, will take nearly 18 to 24 hours, and will cost each man, 3rd class, about Rs.6/-. The broken Bus Service

CENTRAL ROAD TRAFFIC BOARD
10 SEP 1938
MADRAS

as at present running, takes about 15 to 18 hours and costs each passanger almost a similar amount with its necessary inconveniences.

6) The passengers also have to wait for the connecting Busses at 2 or 3 places with the risk of having to wait many hours for a second bus if the connecting Bus had its full compliment of passengers. Further, Harapanahalli and Harihar are always infected with epidemics, and passengers are reluctant to break their journeys here or spend any time at these places. This risk is avoided by a through Bus.

7) The Central Traffic Board considered this application along with a Resolution of the Shimoga Traffic Board and sent its Resolution to the District Magistrate of Shimoga, who, in his Official Memorandum, No. J.2-M.C.176/37-38, dated 23rd March 1938, called upon your Appellant to produce a Solvency Certificate together with a Permit to ply the Service from the Harihar - State Frontier to Bellary within one week, to pay the taxes and to start the Service from 1-4-38. (Copy of the Official Memorandum marked No. 3 is appended).

CENTRAL ROAD TRAFFIC BOARD
10 SEP 1938
MADRAS

6

8) With this endorsement Your Appellant applied to the District Superintendent of Police, Bellary, on 28-3-38, requesting him to grant the Appellant, "G" Permits for running the service, but, as the new Rules were to come into force from 1-4-38, it was kept pending for consideration by the newly constituted Road Traffic Board at Bellary. In the interim, the District Superintendent of Police was pleased to pass the proceedings No. 493/M.V./38, dated 2-4-38 stating that the matter is being put before the Motor Vehicles Conference, that orders will be issued shortly, and that though objections were raised to the running of an additional Bus from Bellary, it is likely that the Route will be sanctioned from Hospet or Harapanahalli in the least. (Copy of the Proceedings marked No. 4 is herewith appended).

p15 infra

9) As stated above, the matter came up before the District Road Traffic Board of Bellary, at their meeting on 12-4-38, and Provisional Permits for two Busses were granted from Hospet to Shimoga.

10) On the grant of these Provisional Permits,

OFFICE OF THE CENTRAL ROAD TRAFFIC BOARD
10 SEP 1938

two new Busses were brought andproduced before the Secretary, District Traffic Board, Bellary on 29-3-38, who after inspecting them, granted the Permits therefor.

11) With these permits Your Appellant applied to the District Magistrate ofShimoga on 2--5--38, to inspect the Busses and grant him the necessary Permits. The District Magistrate of Shimoga raised the objection that as the Central Traffic Board of Bangalore had sanctioned the Route from Bellary to Shimoga and the Permits now produced were only from Hospet to Shimoga, he could not grant the Permits without referring the matter to the Central Traffic Board.

12) Fidding himself in such an awkward predicament, and having two new Busses on his hands, Your humble Appellant again applied to the District Road Traffic Board at Bellary to extend the Permits to Bellary and thereby enable him to secure the Mysore State Licenses.

13) When this matter was before the Bellary District Road Traffic Board, it had a number of

OF THE CENTRAL ROAD TRAFFIC BOARD
10 SEP 1938

vacancies in the Busses running between Hospet and Bellary, since the permits of several Busses had been cancelled for various defects, delinquencies, non-payment of taxes, and punishment for Serious Offences under the Madras Motor Vehicles Act. It was prayed that if one of these vacancies were filled up by your Appellant's Busses, it would meet the objections of all the objectors, in as much as it would not increase the number of Busses on the Bellary - Hospet Route, and thereby cause loss to them.

14) The application for the extension of the Service to Bellary from Hospet came up for consideration before the Bellary Traffic Board on 12-5-38, and they refused the application and cancelled the Provisional Permits granted to the Appellant to run service between Hospet and Shimoga on the ground that they had no jurisdiction to grant a Permit under Rule 236 of the Motor Vehicles Rules, 1938, as it was thought that it was a "<u>through Route</u>" or over 100 miles on a Trunk Road. (The order C.No.774/M.V./38,marked 5, is produced).

p79 of M. R T. Code (in Bottom 105 in Secy's shelf)

p16 infra

15) Upon this order Your Appellant applied to

CENTRAL ROAD TRAFFIC BOARD
10 SEP 1938
MADRAS

the Central Traffic Board, Madras, for Permits to run Busses from Bellary to Shimoga, These applications came up before the meeting of the Central Traffic Board at Coimbatore, on 11-7--38, and after due consideration, were rejected. The order is herewith produced and marked No. 6).

p 17 infra

16) Your Appellant submits that the orders of the Central Traffic Board and the District Road Traffic Board of Bellary, are against the Rules and all canons of justice, in as much as,

(a) the Motor Vehicles Conference Board, in granting the order marked Exhibit I induced Your Appellant to apply to the Mysore Authorities for Permits to run the Busses through their territory, to Shimoga. This application to the Mysore Authorities took Your Appellant 10 months to secure the necessary permission involving an enormous expenditure of time and money.

p 12 infra

(b) The permission granted by the Central Traffic Board, Bangalore, was from Bellary to Shimoga, which clearly indicated that they adhered to the order in Exhibit I, which they also understood to mean that the British authorities would grant

10 SEP 1962

10

¶ 12 infra

the Permit from Bellary to Shimoga as contained in Exhibit I.

(c) The Mysore authorities rightly considered that the Service was an important and useful one which would help the trade between Bellary and Shimoga. (Vide Exhibit No.2).

¶ 13 infra

(d) That this Service would have encouraged people from both sides visiting the ruins of Hampi and the Jog Falls, and thereby create an interest in excursions.

(e) The trade between these two places having to be carried by Rail, the M. & S.M.Railway Company would be profited by an Enormous increase in the Goods Traffic, by creating easy and quick facilities to the merchant class to travel between these two two places, at a less cost by Bus ie Rs 3/- only.

(Bangalore)

¶ 64 of M.R.T Code (Book 105 in Secy's Shelf)

(f) That Rule 149 has been completely ignored in consideration of this application in the matter of providing a through Service. At present the broken Service involves a change of Bus at Hospet, Harapanahalli, and Mysore Frontier.

(g) It also involves enormous inconvenience as stated in para 6.

¶ 5 ante

CENTRAL OFFICE 10 SEP 1938

11

17) The Central Traffic Board at Bangalore have been time and again insisting upon the production of Permits from Bellary to Shimoga as per the condition or sanction by them, of this Service (Vide No. J-2.M.C, 176/37-38, dated, 21-6-38 marked No.7).

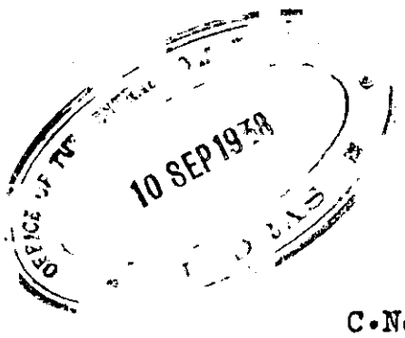
18) Your Appellant applied to extend this Service to Bellary from Hospet but at their meeting on 12-5-38, the Bellary Traffic Board refused it;

19) Thus Your appellant is placed in the unfortunate position of having two Busses on hand after getting the promises, permissions, and provisional Permits on both sides with no route to run them on. Both Authorities, while acknowledging the importance of the Service yet have refused it.

20) For these reasons, Your Appellant most humbly prays that the order of the Central Traffic Board, may be set aside and Permits granted for two Busses from Bellary to Shimoga as early as possible.

ಬಾಬಾಜಿ ಕೊಕಟನೂರ

APPELLANT.



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12

No. I.

C.No. 1063/MV/37 District Police Office,

Bellary, dated 16-7-37.

Endorsement.

Ref:- His petition for permission to open a bus service from Bellary to Shimoga via Hospet, Harapanahalli and Harihar - Resolution No. 35 of M.V.Conference dated 5-7-37.

Please report if you have obtained a "G" Permit from the Mysore authorities for this line in their territory.

(By Order)

(Sd.) V.Arunachalam.

Manager.

(True Copy).

OFFICE OF THE CENTRAL ROAD
10 SEP 1937

13

No. II

Date:- 23rd August 1937.

Copy of the Resolution.

4. Application of Mr.M.Gangappa, buss owner, Yemmiganur, Adoni Taluk, Bellary District, praying for the grant of a direct bus service from Shimoga to Bellary via, Harapanahalli and Harihar.

A througn service from Shimoga to Bellary will be useful to the public and a permit may be granted to the State frontier from Shimoga via Chilur, Honnali and Harihar provided the applicant obtains a permit in Bellary District. Several Areca merchants have dealings at Bellary and the service also helps visitors to Hampi.

(True copy)

No. III.

No.J2.M.C.176/37-38 Office of the District Magistrate
Shimoga District.
Shimoga dated 23rd March 1938

Official Memorandum.

Reference:-

Letter No. T.970/37-38 dated 17th March 1938 received from the Secretary, Mysore Traffic Board, Bangalore sanctioning the grant of a permit on the Shimoga -Bellary route lying within the state in favour of Mr. Machani Gangappa.

Mr. Machani Gangappa, bus owner, Yemmiganur Adoni Taluk is hereby informed that he should produce a solvency certificate together with a permit to ply the service from the Harihar state Frontier up to Bellay within a week from the receipt of this notice and to credit the service tax and the mileage cess in respect of the route lying within this state for the quarter ending 30-6-38 and obtain the permit and resume the service from 1-4-38.

(Sd.) x x x
for District Magistrate,
Shimoga District.

(True Copy)

10 SEP 1938
MADRAS

15

No.IV.

Proceedings of the Dt.Superintendent of Police,Bellary.

A.J.King Esq., I.P.

No. 493/MV. 38 Dated 2nd April 1938

Reference:- Application from Mr. M.Gangappa for permission to run a direct bus service from Bellary to Shimoga.

.....

The matter will be put before the members of the Motor Vehicles Conference and orders will be issued shortly.

Though objection has been raised to the running of an additional bus from Bellary on the route Hospet Harapanahalli - Shimoga, it is likely that the route will be sanctioned at any rate from Hospet or Harapanahalli to Shimoga. In that case, I shall be prepared to issue a "G" permit to Mr. M.Gangappa of Yemmiganur, who is the owner of several buses already plying in the District.

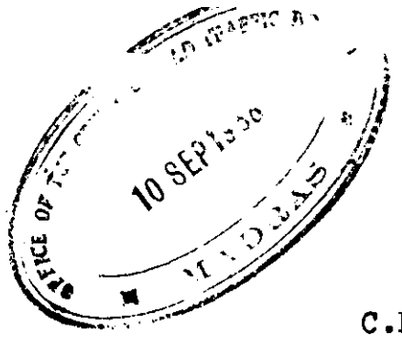
(Sd.) x x x

District Superintendent of Police,
Bellary.

To

Mr. M.Gangappa, Yemmiganur.

(True Copy)



No. V.

C.No.774/MV/38. Office of the Road Traffic Board,
Bellary, dated 18th May 1938

Memorandum.

Ref:- Your application for a permit to run your bus from Bellary to Hospet in continuation of the route Hospet - Shimoga.

The Road Traffic Board, Bellary at its meeting held on 12-5-38 decided that the applicant should be referred to the Central Traffic Board, as the route in question is a "through route" under Rule 236 of the Motor Vehicle Rules 1938.

It was also resolved that the provisional permit for the route Hospet to District Border on the road to Shimoga sanctioned at the previous meeting of the Board be cancelled.

(Sd). x x x

Secretary,
Road Traffic Board, Bellary.

To

Mr. Machani Gangappa, Bus Owner, Yemmiganur.

(True copy)

OFFICE OF THE CENTRAL ROAD TRAFFIC BOARD
10 SEP 1938
MADRAS

No. VI.

17

PROCEEDINGSOF THE CENTRAL ROAD TRAFFIC BOARD,CHEPAUK,
M A D R A S.

L.Dis.No.269/38, dated 12th July 1938.

Sub:- Motor Vehicles - Buses - Bellary to Shimoga - @ Provisional Permit - Machani Gangappa - Application of.

O R D E R.

The Central Board considers that no case has been made out for the issue of permits to ru n two stage carriages between Bellary and Shimoga.

The application is rejected.

(Sd.)T.Sivasankar,
Secretary.

To

Sri P.Chendra Reddi,
Advocate,
21, Madu St., Mylapore.

Copy to the Secretary, Road Traffic Board, Bellary.

(By Order)

(Sd.) x x x
Head Clerk.

13-7-38.

(True Copy)

18

No. VII.

Office of the District Magistrate,
No.J.S.2Mc.176/37-38 Shimoga District,
Dated Shimoga 21st June 1938.

Endorsement.

With reference to his application dated 2-5-38 praying for permission to ply his Shimoga - Bellary Bus Service upto Hospet, giving connections to one of the services plying from Hospet to Bellary etc., Mr. Machani Gangappa, Bus Owner, Yemmiganur Adoni Taluk, Bellary District is hereby informed that a Permit to ply a bus service between Shimoga and Bellary will be granted to him on his production of the "G" Permit to ply the Service between State Frontier and Bellary as per the condition of sanction oftne service.

(Sd.)
For District Magistrate,
Shimoga District.

To
Mr. Machani Gangappa,
Bus Owner, Yemmiganur, Adoni Tq., (Bellary Dt.,)

(True Copy).

CENTRAL ROAD TRAFFIC BOARD
10 SEP 1938

19.

F·O R M H.

(See Rule 144.)

Application for permit.

1. Name in full of applicant. Machani Gangappa.

2. Father's name. Somanna

3. Residence of applicant. yemmiganur.

4. Head Office of applicant. yemmiganur.

5. If the vehicle is the subject or hire-purchase agreement, the name and address of the seller. Nil

6. If the vehicle is the subject of hiring agreement, the name and address of the person from whom it is hired. Nil

7. Registered number of the vehicle. B.E. 795 and 796.

8. Description of vehicle (state carriage, contract carriage (other than motor cab), motor cab, goods vehicle). Stage Carriage

9. Type of vehicle. Reo Speed-Wagon. open Type Bus Body.

10. Unladen weight. 1½ Ton.

11. Registered laden weight. 9500 lbs

12. Registered axle/weight, of.-

i. Front axle.
ii. Rear axle.
iii. Any other axle.

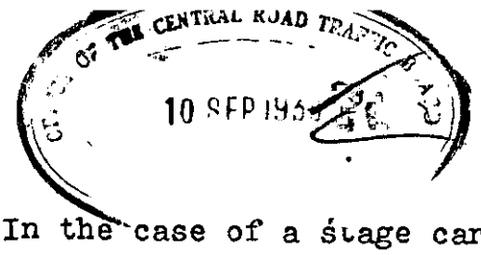
13. Seating capacity (including driver and conductor, if any). 22 in all.

14. Route or road upon
Routes upon
Area within
Which.

it is intended that the vehicle shall operate. Bellary to Shimoga Via Hospet - Harpanahalli Harihar and Honnalli.

15. In the case of a contract carriage (other than a motor cab), the manner in which public need and convenience will be served. Vide applicatio Enclosed.

20



~~20~~ 2.-

16. In the case of a stage carriage - Starting morning Bellary

1. time-table proposed; and at 7-30 A.M. and arrival Shimoga by 3 P.M.

11. fares proposed to be charged. Rs 3/- Rupees Three only.

17. In the case of a motor cab, fares proposed to be charged.

18. In the case of a goods vehicle.-

1. the description of goods proposed to be carried; and

11. public need for the transport which it is proposed to supply.

} Nil

ಬಸವರಾಜಯ್ಯ

Signature of applicant.

STATION. Yemmiganur.

Date.

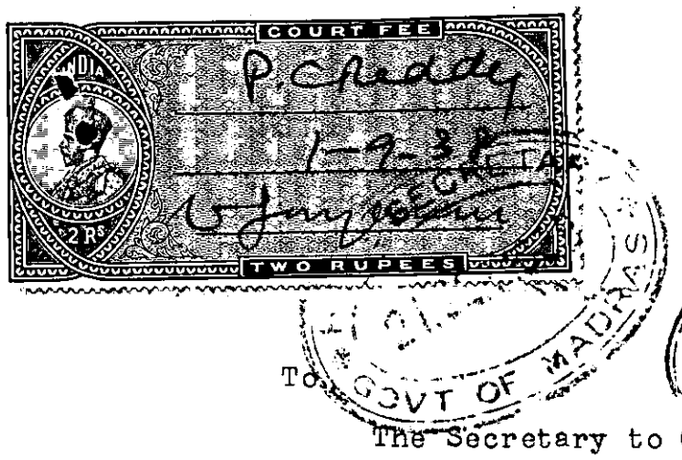
Before the Hon'ble the Minister
for Courts and Prisons,
Fort St. George,
Madras.

Machani Gangappa. .. Appellant.

APPEAL GROUNDS.

Mr. P. Chandra Reddi,

Counsel for Appellant.
21, Nadu Street,
Mylapore.



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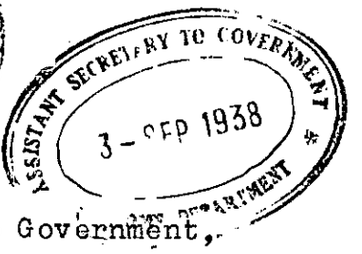

To

The Secretary to Government,

Home Department,

M a d r a s.

22 ante

Ref:- Memorandum :- No. 27675 B-1, dated 27th August 1938.

Motor Vehicles- Bellary District- Bus- Permits- Appeal petition of Sri Machani Gangappa presented by Sri P.Chandra Reddy on 10-9-1938.

Sir,

I am herewith enclosing a court fee stamp of Rs. 2/- to be affixed on the petition filed on behalf of Machani-Gangappa.

I have the honour to be

Sir,

Your most obedient servant

P. Chandra Reddy

Advocate for Petitioner.

To

The Secretary,

To the Government,

Home Department.

M a d r a s.

Mr. P.Chandra Reddi

Advocate for Petr.

21 Nadu Street, Mylapore

24

Home (B) Dept

13/9/9

Motor Vehicles - Bellary Dt - Bellary to Shimoga route - Grant of permit - Appeal - from Sri. Nachani Gangappa dt 10.8.38

p2 qute

dt 7/9

Endt. 27675B-2 = 8/9/38

Referred to the C.R.T. Board for remarks

Sd-
7/9

Sri 7/9

7/9

To

The Secy. C.R.T. Board
(with pp 2-20 cf to be returned with reply)

R.D. 15.10.38.

Pl. note in diary

Dpl. by Y.m P T Messr

Sr.'s initial SR

9.9.8

25

32080

(15)

Office of the District Magistrate
Shimoga District.

No. J2-[illegible]C 176/37-38.

20 SEP 1938 ASSISTANT SECRETARY TO GOVERNMENT

20 SEP 1938 HOME DEPT GOVT OF

With reference to his application dated 16th August 1938, praying for the grant of time till the 30th September to produce the "C." permit in respect of the route lying between the state frontier and Bellary on the Shimoga- Bellary road, stating that the question of grant of a permit to him there, is pending with the Government of Madras and that it will be settled in the month of September 1938 etc., Mr. Lachani Gangappa, Bus Owner and Merchant, Yemmiganur, Adoni Taluk, Bellary District, is hereby informed that time has been granted to him till 30th September 1938 and that no further time will be granted to him on any account.

Sd/ G.A.Narayanier.

District Magistrate
Shimoga District.
Shimoga.

To

Mr. Lachani Gangappa,
Bus Owner and Merchant,
Yemmiganur,
Adoni Taluk, Bellary Dt.

(True copy)

Please let me know what has happened to the appeal preferred by the Yemmiganur Merchant. Mr. Lachani has to show a letter from Dr. M. is written upon the Pet. letter or the other application. Time has been given till 30.9.38 only. Please expedite this matter.

20/9

19/9

Home (B) dept

Memo. 27675 B-3
21.9.38.

Mr. R.S
fd. in one line
more

Motor Vehicles - Bellary
Dt - Bellary to Shimoga
route - Grant of a permit.
Appeal of Sri Machani
Gangappa dt 20.8.38.

p 2 ante

The Central Road
Traffic Board is requested
to ~~expedite~~ send by 25.9.38 its
reply to Endt No 27675 B-3
dt 8.9.38. The petitioner
~~H~~ reports that the D.C. of
21/9 Shimoga has given him
time only ~~till~~ upto the end of
Sept 1938 to obtain a permit
from the authorities in this
~~Residency~~ Province.

24 ante
p (4) cf

25 ante

The Secy, C.R.T. Board.

R.N. 26.9.38

21/9

21/9

21.9.38

22 27

C.F. 30.

B — DEPARTMENT. 32795 26/9

Received ..... 19 *Registered* .....

HOME DEPARTMENT 25 SEP 1938

Subject.

Appeal - Bellary-Shimoga bus route - Petition of M.Gangappa to Government.

ENCLOSURES.
No.
Spare copies

L.Dis. No. 3308/38.

Station Madras, *Dated the* 24th September, 1938.

From (Name) T.Sivasankar, Esq., I.C.S.,

(Designation) Secretary, Central Road Traffic Board, Chepauk, Madras.

To The Secretary to the Government of Madras,

HOME Department.

Sir,

Reference.- Endorsement from Government (Home Department) No.27675 B-2 dated 8-9-1938 and Memorandum from Government (Home Department) No.27675 B-3 dated 21-9-1938.

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p24 ante

26 ante

p42-11 ante

With reference to the petition of M.Gangappa for permission to run buses on the route Bellary to Shimoga, I have to state that an application for the issue of permits to run two buses between Bellary and Shimoga was received by the Central Board on 20-5-1938 and was duly notified on the same date under Rule 148. (The route is along a trunk road and covers a distance of 103 miles in Bellary District only).

x h.25 (D)

p64 of M.R.T Code (Book in Secy's Shelf)

2. According to the appellant, two applications for running two buses on this route were presented to the Motor Vehicles Conference Board in July 1937 and the applicant was directed to report if he had obtained a G.permit from the Mysore authorities. He applied to Mysore authorities and the District ~~Board~~ Magistrate, Shimoga agreed to grant a permit if the applicant obtained a permit from the Bellary authorities.

3. The Road Traffic Board, Bellary granted the appellant provisional permits for two months at a meeting of the Board on 12-4-1938 authorising him to ply his buses for hire from Hospet to Shimoga. But the District Magistrate, Shimoga did not allow him to run his buses as the original application was for the Bellary - Shimoga route while the permit obtained in the Bellary District fixed the starting point at Hospet. The applicant applied to the Road Traffic Board, Bellary again to give him one of the vacancies on the Bellary - Hospet route to enable him to use one of his buses on the through route from Bellary to Shimoga but the Board cancelled the provisional permits already granted on the ground that the traffic was on a through route.

4. The Road Traffic Board, Bellary objected to the grant of permits to the appellant on the ground that the introduction of two buses on the Bellary - Shimoga route would lead to unfair competition, especially over the section between Bellary and Hospet. The Central Board upheld the objection and rejected the applications of the appellant at a meeting of the Board held on 11-7-1938.

5. The connected records are enclosed for perusal and return.

Secretary. 24/9

(With encls.)
snk/24.9.

C100 27675. Home (B) Deptt
13/8.

Motor Vehicles. Bellary &c -
Bellary to Shimoga route - grant
of permit - Appeal.

—

From Machani Gangappa Dt 10.8.38

—

B | Please examine and put up
Please see if stamps are
necessary. If necessary please
ask the advocate"
K. R. M.
10/8

(sent to C R T Bd
for remarks)

The appeal on pp 2-11 of is
against the Orders of the C. R. T.
Board Dt 12.7.38 refusing to grant permits
for two stage carriages along
Bellary - Shimoga route.

M So. M. R T. Code
(Rule 105 in Secy's
Shelf)

Rule 247 of the M. V. Rules 1938
lays down that from every original
order passed by the C. R. T. Board
there shall be an appeal within
thirty days to Govt. The appeal
w/cf is in time. But the M V Rules

30

~~do not provide for the personal~~ personal
hearing or of making any representation
in the matter of this appeal against
the orders of the C.R.J. Board. So
it does not appear necessary for
the advocate to appear on behalf
~~of the petitioners~~.

it is submitted With reference to B on p 1 ante
The appeal in cf has been preferred
to Govt. under Rule 247 of M.V. Rules. These rules have been framed under Section 11 of the M.V Act. So the rules are statutory ~~Rules~~ and the appeal is in exercise of ~~the~~ a statutory right conferred on the appellant.

In the case of an appeal

In 80 of M.R.T. Code (Book 105 in Secy's Shelf) N 3 Hard

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under the ~~Arms~~ Act, it was held by Law (drafting) deptt (present Legal deptt) that an appeal to Govt. in exercise of a statutory right should be stamped with stamps worth Rs 2/- Vide notes on pp 31-32 of G.O.no 246 Public (Police) dt 22.5.34. On this analogy it appears that the appeal in cf should be stamped

(P) Put up in cfm 29/8/38 by MW A.C

31

S1 Court stamps to the value of Rs. 2/- Draft submitted.

Thro' 7 sections

23/8

[Memo no 27675 B-1 dt 27.8.38]

p 23 cf

p 24 cf C/o 30266 From Sri, P. Chandra Reddy dt nil.

Sri, P. Chandra Reddy has

p 24 cf sent a court fee stamp to be affixed to the appeal of Sri. Gangappa on pp 2-11 cf. The remarks of the C. R. T. Board may be invited. A draft is submitted for Consideration.

7/9

7/9

p24cf [Endt. no 27675 B-2 dt 8.9.38]

P. T. O

Please let me know what has happened to the appeal preferred by the gentleman mentioned herein. It seems that the Shimoga D.M is insistent upon the petitioner getting an order of this Govt one way or the other immediately. Time has been given only till 30th September. Please expedite this matter."

A

p25 C/

K.R.M
19/9

A above

The appeal has been referred to the C.R.J. Board. for remarks. It may be requested to ~~expedite~~ its reply. ~~by 25.9.38~~ A draft is submitted for consideration.

May issue

21/9.

21/9

21/9

21.9.38

HOME SEC 3 21.9

27675/29

11/(C.P.) after visit

28/9

[Memo 27675 B-3 dy 21.9.38]

p26 C/

Cir 32795 / 25/9 — Home (B) dept

Motor Vehicles – Buses plying for hire – Bellary to Shimoga – Refusal of G: permit – Sri Machani Gangappa Appeal.

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p 27 cf — From the Secy, C. R. T. Board
L. Dis 3308/38 dt 24. 9. 38

The appeal on pp 1-10 cf is against the orders of the C. R. T. Board to the appellant (p. 17 cf) refusing to grant permits to him to run two buses from Bellary to Shimoga.

p 17 cf

[The main file has been circulated to the Hon. Minister (CFP) on 22.9.38]

i.e. original letter + memo. calling for C.R.T Bds. remarks. ≠ Since returned and added to this file.

The facts of the appellant's case are as stated in paras 1 to 3 on pp 22-23 (27-28) cf. The remarks of the Secy, R. T. Board, Bellary about the appellant's Case are on pp 46-49 (47) of (D). The grant of the provisional permit, granted by the R.T. Board, Bellary to the appellant to run his buses from Hospet to the district frontier, appears to be on his own request. The objection of the R. T. Board, Bellary to the grant of permits to the

M on p 49 of (D)

34

appellants two leases is based on the ground that it would lead to unfair competition particularly on the section from Bellary to Hospet and to some extent on the other sections. The Central Board upholding these objections refused to grant the permits. ~~Form or dec to letter~~ } R m/p 49 of (D) and para 4 m/p 28 of

Submitted for orders

[The Mysore authorities to grant to applicants temporary permits till 30.9.38 to obtain [illegible]

28/9.

28/7

There is not much discussion of the merits of the case to be found in the records.

Appellants proposal is to run one bus from Shimoga to Bellary, & one bus from Bellary to Shimoga each day. Each bus will start in the morning & reach its destination (Bellary or Shimoga, as the case may be) in the afternoon at 3 or 4.

The C.R.T. Bd. appears to have based its refusal of appellants request on the report of the Secy. Bellary Road Transp. Bd. at pp. 47-49 of (D), particularly R. on p. 49 of (D).

It does not appear to be denied that

the through service proposed would be useful to the public There are no railway protests on record, & railway communication appears to be circuitous

The question is whether one extra trip daily each way between Bellary & Hospet would be sufficient to create a state of "unfair competition" between Bellary & Hospet. It was suggested by the C.R.T. Bd that a condition might be imposed that the appellant should not take intermediate fares between Bellary & Hospet. This suggestion is rejected as "impracticable" by the Bellary Board (last sentence in p. 4 q. 4 of (D)), but without statement of reasons. It is an arrangement commonly enforced in English bus routes.

For orders.

SR.
29/9
S

I do not think that one bus each way between Bellary and Shimoga each day will compete unfairly with the existing bus service between Bellary and Hospet, provided that it is laid down as a condition of the Permit that the bus owner is not to carry passengers for Hospet on the outward journey from Bellary or passengers from Hospet on the homeward journey from

Simoga to Bellary, or if considered necessary passengers for places between Bellary and the Bellary Dt. boundary, and vice versa.

For orders.

29.9.38

32795/3079

M(C&P). Petn. to be given Permit for 2 buses. One Service a day either way Shimoga to Bellary & Bellary to Shimoga). The Bellary Bus Reg. their restrictions are unpracticable. Let the permit be given without restrictions and if it is found that this one addl. Service btw. Bellary & Hospet is conducive to ~~Bona Com~~ unhealthy competition then restrictions may be placed upon the Pvtr. Service. Please issue necessary orders to the Bellary Board and also to the Petr. as soon as possible

3079

A draft is submitted for approval.

1/10

1.10.38

1/10

1/X

1/10

HOME SECRETARY 1 OCT 1938 GOVT OF MADRAS

X The C R T Board is the competent authority & is one the permit

4/

Sectt.71-3/(4)

37

HOME DEPARTMENT

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

Motor Vehicles - Buses plying for hire - Bellary to Shimoga route - Refusal of permits - Appeal of Sri Machani Gangappa - Orders passed.

READ AGAIN G.O. No. ..... , dated 19

" " " " 19

READ ALSO :—

From C No. .. From the Sri. Machani Gangappa No. ..... , dated 10-8- 19 38.

" " ..... " " Secy., C.R.T.Board, " 3308/38 " 24-9 19 38

" " ..... " " 19

ORDER.

MS.

No. 4772, dated 1-10- 19 38

Dpd. by V'n / Po / Messenger

Dpr.'s initials.

Date 193

The Government see no objection to the grant of permits ~~in respect of~~ two buses belonging to the appellant for the ~~purpose of~~ running a through service between Bellary and Shimoga, one of the buses running from Bellary to Shimoga and the other from Shimoga to ~~Hospet~~ Bellary each day. If it is found later on that the additional trip daily each way between Bellary and Hospet involved by this arrangement, lead to unhealthy competition, any restriction that may be necessary can be placed on the appellant's service The Central Road Traffic Board is accordingly directed to issue to the appellant the necessary permits in respect of two of his buses.

To the Secretary, C.R.T.Board, (with L.Dis.173 in original).
Copy to the Secretary, Road Traffic Board, Bellary.
To Sri Machani Gangappa, thro' Sri.P.Chandra Reddy, Advocate, 21 Nadu St., Mylapore.

clean copy for file.

38

Received ..... 1938 Registered 1938

Abstract

Motor vehicles - Buses plying for hire - Bellary to Shimoga Route - Refusal of permits - Appeal of Sri Machani Gangappa - Orders passed.

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HOME DEPARTMENT.

G.O.No.Ms.4772, dated the 1st October 1938

Read the following:-

From Sri. Machani Gangappa dated 10-8-1938
Secretary, Central Road Traffic Board,
No.3308/38, dated 24-9-1938.

***

ORDER: —

The Government see no objection to the grant of permits for two buses belonging to the appellant for the purpose of a through service between Bellary and Shimoga, one of the buses to run from Bellary to Shimoga and the other from Shimoga to Bellary each day. If it is later found that the additional trip daily each way between Bellary and Hospet, involved by this arrangement, leads to unhealthy competition, any restriction that may be necessary — for example, by forbidding the carrying of short distance passengers — can be placed on the appellant's service. The Central Road Traffic Board is accordingly directed to issue to the appellant the necessary permits in respect of two of his buses.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR.)

H. R. Uzielli,
Secretary to Government.

To the Secretary, Central Road Traffic Board,
(with L.Dis.173 in original).
Copy to the Secretary, Road Traffic Board, Bellary.
To Sri Machani Gangappa, thro' Sri. P. Chandra Reddy,
Advocate, 21 Nadu St., Tylpore.

/True copy/
F o r w a r d e d.
/By order/

Superintendent.

CNR.

1/+